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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION PRO TEM B

HON. WARREN R. DARROW

CASE NUMBER: V1300CR201080049

By: Diane Troxell, Judicial Assistant

Date: March 8, 2011

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

JAMES ARTHUR RAY

(Defendant)

COUNSEL:

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(For Plaintiff)

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(For Defendant)

**UNDER ADVISEMENT RULING ON
DEFENDANT'S MOTION TO SUPPRESS YOUTUBE VIDEOS**

The Court has considered the motion, response, and reply. The parties have not requested oral argument.

This Court is unable to make a final ruling on the admissibility of YouTube Videos at this time. The State probably would have to provide foundation showing that these videos were actually viewed by 2009 participants or alleged victims or that they represent actual "techniques used by the Defendant" at the 2009 sweat lodge event. The State would also have to demonstrate relevance and materiality. These requirements for determining admissibility have not been demonstrated to the Court. Furthermore, presenting these videos to the jury

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without a pretrial evaluation would not allow the Court to consider the issues noted above and basic Rule 403 considerations.

DATED this 8th day of March, 2011.


Warren R. Darrow
Superior Court Judge

cc: Victim Services Division